

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT PECK, JR.,

Defendant.

8:20CR227

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 138). The Court has carefully reviewed the record in this case and finds as follows:

1. On October 30, 2023, defendant Robert Peck, Jr. ("Peck") pleaded guilty to Counts II and III of the Superseding Indictment and admitted the Forfeiture Allegation (Filing No. 137). Count II charged Peck with possession with intent to distribute less than 50 kilograms of marijuana; in violation of 21 U.S.C. § 841(a)(1) and (b)(1). Count III of the Superseding Indictment charged Peck with being a felon in possession of a firearm; in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$5,400 in United States currency seized from 5106 Mayberry Street, Apt. #2312, on or about July 21, 2020, on the basis it was (a) used to facilitate the offense charged in the Superseding Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Superseding Indictment.

3. Based on Peck's guilty plea and admission, Peck forfeits his interest in the \$5,400 in United States currency and the government is entitled to possession of any interest Peck has in the \$5,400 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture is granted.

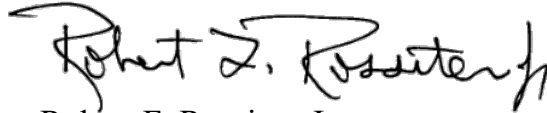
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 138) is granted.
2. Based upon the Forfeiture Allegation of the Superseding Indictment (Filing No. 112) and Peck's guilty plea and admission, the government is hereby authorized to seize the \$5,400 in United States currency.
3. Peck's interest in the \$5,400 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$5,400 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$5,400 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than Peck, having or claiming a legal interest in the \$5,400 in United States currency must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$5,400 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$5,400 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$5,400 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final

Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 3rd day of November 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge